

# **Exhibit C**

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

~~AMAZON'S REVISIONS TO~~  
PLAINTIFFS' PROPOSED] CASE  
MANAGEMENT ORDER

Pursuant to the Joint Status Report and Discovery Plan submitted by the parties, the Court orders that the following shall govern the proceedings:

**1. Status Conferences**

a. The Court will hold a ~~quarterly~~ bimonthly [video/telephonic] status conference, starting two months after the Court issues a scheduling order, or at such times as the Court determines in its discretion.

b. The parties shall submit a joint status report no later than three business days before each scheduled status conference containing a brief update regarding the status of discovery, any discovery disputes where the Court's guidance could be productive, and any other matters the parties wish to bring to the Court's attention. Any party that intends to raise a discovery dispute in the joint status report shall notify the other side of its intent to do so, in

1 writing, no later than five business days before the joint status report is due. Nothing herein shall  
 2 preclude any party from otherwise submitting discovery disputes in accordance with the  
 3 procedures of the Local Rules or this Order.

## 4 **2. Document Requests**

5 a. The parties must serve responses and objections to requests for production  
 6 of documents within 30 days as required by FRCP 34, unless otherwise agreed by the parties. At  
 7 the time it serves its responses, the producing party will provide estimated dates for when it will  
 8 begin rolling document productions of the documents it has agreed to produce in its responses  
 9 and for the completion of that production, or alternately propose a date for an inspection of  
 10 documents.

11 b. Within 14 days of service of any responses and objections, the parties  
 12 must start the meet and confer process in good faith regarding any disputes, including disputes  
 13 regarding the producing party's responses and objections, the scope of the producing party's  
 14 collection, search, and review of documents (including regarding custodians and any search  
 15 methodology, if applicable), and the timing of document production.

16 c. All document productions shall be made on a rolling basis.

17 d. To the extent that there is a dispute regarding the fact or scope of  
 18 production that affects the producing party's ability to provide estimated times for when it will  
 19 begin and complete its document production, the producing party will supplement its good-faith  
 20 estimates, or alternately propose a date for an inspection of documents, upon the resolution of  
 21 such disputes.

22 e. The parties shall ~~make reasonable, good faith efforts to~~ substantially  
 23 complete document production by ~~July~~August 1, 2024 in response to requests for production  
 24 issued on or before ~~December 14, 2023~~February 1, 2024, and shall substantially complete

document production ~~four months prior to the close of fact discovery~~ by December 1, 2024 in response to ~~subsequent~~ requests for production issued on or before June 1, 2024. These deadlines shall not be construed as limiting the parties' ability to issue discovery requests, or as limiting the scope of those requests. The parties may agree to modify these dates. The provisions in this paragraph 2(e) do not apply to productions of structured data.

### 3. Structured Data:

a. Paragraphs 2(a) through 2(d) above apply to requests for production of structured data.

b. If a party identifies sources of its own structured data in its Rule 26(a)(1) disclosures, or in supplements or amendments to such disclosures, the party shall provide samples and data dictionaries for all such sources of structured data within 45 days.

c. If a request for production calls for the responding party's structured data, the responding party shall provide samples and data dictionaries for all such sources of structured data that may be responsive to that request within 45 days after the request is served.

d. The parties shall ~~make reasonable, good faith efforts to substantially~~ complete ~~the production~~ productions of structured data as follows, unless otherwise agreed to by all parties: within 20 days after the parties agree on the scope of production, for data sets 10 TB or smaller; within 40 days after the parties agree on the scope of production, for data sets larger than 10 TB but 100 TB or smaller; and within 60 days after the parties agree on the scope of production, for data sets larger than 100 TB.

~~b.e.~~ The parties shall complete the production of structured data by August 1, 2024 in response to requests for production issued on or before February 1, 2024; shall complete the production of structured data by December 14, 2023 and shall complete the production of structured data 2.5 months prior to close of fact discovery 1, 2024 in response to requests for

1 production issued at least 7 months prior to the close of fact discovery on or before June 1, 2024;  
2 and shall complete the production of structured data by February 1, 2025 in response to requests  
3 for production issued on or before October 1, 2024.

4 e.f. Any significant volume of data may be produced by AWS s3 buckets to  
5 facilitate efficient transmission of the data.

6 g. In the event of any conflict between the deadlines in paragraphs 2(d) and  
7 2(e) above, the deadlines in paragraphs 2(e) control.

8 d.h. These deadlines shall not be construed as limiting the parties' ability to  
9 issue discovery requests, or as limiting the scope of those requests.

10 **4. Interrogatories.**

11 a. Each side is limited to 40 interrogatories in total, including discrete  
12 subparts. Each side reserves the right to ask the Court for leave to serve additional  
13 interrogatories. If the same interrogatory is served on multiple Plaintiffs, it shall count as a  
14 single interrogatory, regardless of the number of Plaintiffs served.

15 b. The parties must serve responses and objections to interrogatories within  
16 30 days as required by FRCP 33, unless otherwise agreed by the parties. If the responding party  
17 opts to respond by producing business records pursuant to FRCP 33(d), Paragraphs 2(a) through  
18 2(e) above shall apply.

19 c. Within 14 days of service of any responses and objections, the parties  
20 must start the meet and confer process in good faith regarding any disputes, including disputes  
21 regarding the producing party's responses and objections, whether any interrogatory may be  
22 satisfied by the production of documents or structured data, the scope of the producing party's  
23 collection, search, and review of documents, if applicable (including regarding custodians and  
24 any search methodology, if applicable), and the timing of document production, if applicable.

**5. Requests for Admission.**

a. Each side is limited to 25200 requests for admission in total. Requests for admission relating solely to the authentication or admissibility of documents, data, or other evidence (which are issues that the parties must attempt to resolve initially through good-faith negotiation) do not count against these limits. Each side reserves the right to ask the Court for leave to serve additional requests for admission.

b. The parties must serve responses and objections to requests for admission within 30 days as required by FRCP 36, unless otherwise agreed by the parties.

c. The close of fact discovery shall not limit requests for admission regarding authentication or admissibility.

**6. Depositions.**

~~a. The limits on the number of depositions set forth in the Federal Rules of Civil Procedure 30(a)(2) shall not apply to depositions of third party witnesses or of expert witnesses. For purposes of this provision, third party witnesses shall not include individuals who formerly were employed or affiliated with any party to this action.~~ Each side is limited to 630 total deposition hours for party witnesses (including former employees of a party being deposed in that capacity) and 350 total deposition hours for nonparty witnesses. These time limitations refer to the time of testimony actually taken on the record. These limitations apply only to fact discovery. The following do not count against these limitations: (a) depositions of the parties' expert witnesses; (b) sworn testimony taken during Plaintiffs' pre-Complaint investigation or in any other litigation or government investigation; (c) depositions taken for the sole purpose of establishing the authenticity or admissibility of documents, data, or other evidence, provided that such depositions must be designated as such at the time they are noticed.

1           b.       Where the parties and the deponent consent, depositions may be held  
2 remotely. The parties will meet and confer regarding a protocol for remote depositions. Nothing  
3 in this Order prevents a party from seeking an in-person deposition.

4           c.       The parties will use their best efforts to make witnesses available for  
5 deposition at a mutually agreeable time and location and without undue delay.

6           d.       If a witness is a former employee of a party, that party shall promptly, and  
7 no later than 14 days of receiving a deposition notice for the former employee, provide the  
8 following information to the extent that it is known: (a) the former employee's date of departure  
9 and last known address; (b) whether the party's counsel will be representing the former  
10 employee in connection with the deposition, and if so, whether the party's counsel will accept  
11 service of a subpoena; and (c) if the party's counsel will not be representing the former employee  
12 in connection with the deposition, the name and contact information for the witness' counsel or  
13 that the witness is unrepresented. The party shall promptly supplement any information that is  
14 subsequently known to the party.

15           e.       If a party serves a subpoena for the production of documents or ESI on a  
16 nonparty and subpoena commanding a deposition by a witness for the nonparty, the party serving  
17 those subpoenas must schedule the witness's deposition for a date at least 14 days after the return  
18 date for the document subpoena. If the return date for the document subpoena is extended, then  
19 absent consent from both sides the deposition must be postponed to a date at least 14 days after  
20 the completion of production for substantially all documents called for by the subpoena (as  
21 modified by any negotiations regarding subpoena compliance) (a) with respect to which the  
22 witness is an author, sender, recipient, or custodian; and (b) that are contained in a shared filing  
23 location or electronic or physical repository that the witness had access to in the ordinary course  
24 of business.

f. If a party serves a subpoena for the production of documents or ESI on a nonparty and subpoena commanding a Rule 30(b)(6) deposition for the nonparty, the party serving those subpoenas must schedule the deposition for a date at least 14 days after the return date for the document subpoena. If the return date for the document subpoena is extended, then absent consent from both sides the deposition must be postponed to a date at least 14 days after the completion of production for substantially all documents called for by the subpoena (as modified by any negotiations regarding subpoena compliance).

**7. Discovery on Nonparties.** The requesting party must provide all other parties with a written record of any oral or written modifications, extensions, or postponements to the discovery request within 3 business days of the modification, extension, or postponement. Every discovery request to a nonparty shall include a cover letter requesting that the nonparty provide copies of all productions to both the requesting party and the other side at the same time.

**8. Expedited Joint Motion Procedure.** The parties may use the expedited joint motion procedure for discovery disputes in LCR 37(a)(2), at the moving party's election. The parties may also file discovery motions using the standard procedure set forth in LCR 7.

**9. Service of Pleadings and Discovery on Other Parties.** Service of all pleadings, motions, and other papers that are filed shall be made by ECF (which will send notice to all parties and nonparties registered with ECF). Service of all discovery notices, requests (including subpoenas for testimony or documents under FRCP 45), and written responses shall be made by email to the persons whose email is listed below. If the volume of attachments makes service by email impracticable, a party shall make service via a secure FTP service or overnight delivery to the persons listed below. The parties may modify this list by agreement.

Plaintiffs

Susan A. Musser, smusser@ftc.gov



Edward H. Takashima, etakashima@ftc.gov  
 Danielle C. Quinn, dquinn@ftc.gov  
 Emily K. Bolles, ebolles@ftc.gov  
 Colin M. Herd, cherd@ftc.gov  
 Daniel A. Principato, dprincipato@ftc.gov  
 Michael Jo, Michael.Jo@ag.ny.gov  
 Rahul Darwar, Rahul.Darwar@ct.gov  
 Alexandra C. Sosnowski, Alexandra.c.sosnowski@doj.nh.gov  
 Caleb J. Smith, caleb.smith@oag.ok.gov  
 Jennifer A. Thomson, jthomson@attorneygeneral.gov  
 Michael A. Undorf, michael.undorf@delaware.gov  
 Christina M. Moylan, christina.moylan@maine.gov  
 Gary Honick, Ghonick@oag.state.md.us  
 Michael MacKenzie, michael.mackenzie@mass.gov  
 Scott A. Mertens, MertensS@michigan.gov  
 Zach Biesanz, zach.biesanz@ag.state.mn.us  
 Lucas J. Tucker, LTucker@ag.nv.gov  
 Ana Atta-Alla, Ana.Atta-Alla@law.njoag.gov  
 Jeffrey Herrera, jherrer@nmag.gov  
 Timothy D. Smith, tim.smith@doj.state.or.us  
 Stephen N. Provazza, sprovazza@riag.ri.gov  
 Gwendolyn J. Cooley, cooleygj@doj.state.wi.us

Amazon

Patty A. Eakes, patty.eakes@morganlewis.com  
 Molly A. Terwilliger, molly.terwilliger@morganlewis.com  
 Heidi K. Hubbard, hhubbard@wc.com  
 John E. Schmidtlein, jschmidtlein@wc.com  
 Kevin M. Hodges, khodges@wc.com  
 Jonathan B. Pitt, jpitt@wc.com  
 Carl R. Metz, cmetz@wc.com  
 Carol J. Pruski, cpruski@wc.com  
 Constance T. Forkner, cforkner@wc.com  
 Thomas O. Barnett, tbarnett@cov.com

**10. Presumptions of Authenticity.** Documents produced by parties and nonparties from their own files shall be presumed to be authentic within the meaning of Federal Rule of Evidence 901. Any good-faith objection to a document's authenticity must be provided with the exchange of other objections to intended trial exhibits. If the opposing side serves a specific good faith written objection to the document's authenticity, the presumption of authenticity will

no longer apply to that document and the parties will promptly meet and confer to attempt to resolve any objection.

**11. Nationwide Service of Process.** To assist the parties in planning discovery, and in light of the geographic dispersion of potential witnesses in this action, the Court finds that there is good cause shown to permit the parties, under 15 U.S.C. § 23, to issue nationwide discovery and trial subpoenas from this Court. The availability of nationwide service of process, however, does not make a witness who is otherwise “unavailable” for purposes of FRCP 32 and FRE 804 “available” under these rules regarding the use at trial of a deposition taken in this action.

**12. Modification.** Any party may seek modification of this order, for good cause.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

The Honorable John H. Chun  
UNITED STATES DISTRICT JUDGE

[etakashima@ftc.gov](mailto:etakashima@ftc.gov)  
[dschwartz1@ftc.gov](mailto:dschwartz1@ftc.gov)  
[dquinn@ftc.gov](mailto:dquinn@ftc.gov)  
[ebolles@ftc.gov](mailto:ebolles@ftc.gov)

Presented by:

s/ Edward H. Takashima  
SUSAN A. MUSSER (DC Bar # 1531486)  
EDWARD H. TAKASHIMA (DC Bar #  
1001641)  
DAVID B. SCHWARTZ (NY Reg. #  
4947925)  
DANIELLE C. QUINN (NY Reg. #  
5408943)  
EMILY K. BOLLES (NY Reg. # 5408703)  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Tel.: (202) 326-2122 (Musser)  
(202) 326-2464 (Takashima)  
Email: [smusser@ftc.gov](mailto:smusser@ftc.gov)

Attorneys for Plaintiff Federal Trade  
Commission

Email: [Rahul.Darwar@ct.gov](mailto:Rahul.Darwar@ct.gov)  
*Counsel for Plaintiff State of Connecticut*

*s/ Alexandra C. Sosnowski*  
Alexandra C. Sosnowski (admitted *pro hac*  
*vice*)  
Assistant Attorney General  
Consumer Protection and Antitrust Bureau  
New Hampshire Department of Justice  
Office of the Attorney General  
One Granite Place South  
Concord, NH 03301  
Telephone: (603) 271-2678  
Email: [Alexandra.c.sosnowski@doj.nh.gov](mailto:Alexandra.c.sosnowski@doj.nh.gov)  
*Counsel for Plaintiff State of New*  
*Hampshire*

-  
*s/ Caleb J. Smith*  
Caleb J. Smith (admitted *pro hac vice*)  
Assistant Attorney General  
Consumer Protection Unit  
Office of the Oklahoma Attorney General  
15 West 6th Street, Suite 1000  
Tulsa, OK 74119  
Telephone: (918) 581-2230  
Email: [caleb.smith@oag.ok.gov](mailto:caleb.smith@oag.ok.gov)  
*Counsel for Plaintiff State of Oklahoma*

*s/ Michael Jo*  
Michael Jo (admitted *pro hac vice*)  
Assistant Attorney General, Antitrust  
Bureau  
New York State Office of the Attorney  
General  
28 Liberty Street  
New York, NY 10005  
Telephone: (212) 416-6537  
Email: [Michael.Jo@ag.ny.gov](mailto:Michael.Jo@ag.ny.gov)  
*Counsel for Plaintiff State of New York*

*s/ Jennifer A. Thomson*  
Jennifer A. Thomson (admitted *pro hac*  
*vice*)  
Senior Deputy Attorney General  
Pennsylvania Office of Attorney General  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120  
Telephone: (717) 787-4530  
Email: [jthomson@attorneygeneral.gov](mailto:jthomson@attorneygeneral.gov)  
*Counsel for Plaintiff Commonwealth of*  
*Pennsylvania*

-  
*s/ Rahul A. Darwar*  
Rahul A. Darwar (admitted *pro hac vice*)  
Assistant Attorney General  
Office of the Attorney General of  
Connecticut  
165 Capitol Avenue  
Hartford, CT 06016  
Telephone: (860) 808-5030

-  
*s/ Michael A. Undorf*  
Michael A. Undorf (admitted *pro hac vice*)  
Deputy Attorney General  
Delaware Department of Justice  
820 N. French St., 5th Floor  
Wilmington, DE 19801  
Telephone: (302) 683-8816  
Email: [michael.undorf@delaware.gov](mailto:michael.undorf@delaware.gov)

Counsel for Plaintiff State of Delaware

s/ Christina M. Moylan

Christina M. Moylan (admitted pro hac vice)

Assistant Attorney General

Chief, Consumer Protection Division

Office of the Maine Attorney General

6 State House Station

Augusta, ME 04333-0006

Telephone: (207) 626-8800

Email: christina.moylan@maine.gov

Counsel for Plaintiff State of Maine

s/ Gary Honick

Gary Honick (admitted pro hac vice)

Assistant Attorney General

Deputy Chief, Antitrust Division

Office of the Maryland Attorney General

200 St. Paul Place

Baltimore, MD 21202

Telephone: (410) 576-6474

Email: Ghonick@oag.state.md.us

Counsel for Plaintiff State of Maryland

s/ Michael Mackenzie

Michael Mackenzie (admitted pro hac vice)

Deputy Chief, Antitrust Division

Office of the Massachusetts Attorney

General

One Ashburton Place, 18th Floor

Boston, MA 02108

Telephone: (617) 963-2369

Email: michael.mackenzie@mass.gov

Counsel for Plaintiff Commonwealth of Massachusetts

s/ Scott A. Mertens

Scott A. Mertens (admitted pro hac vice)

Assistant Attorney General

Michigan Department of Attorney General

525 West Ottawa Street

Lansing, MI 48933

Telephone: (517) 335-7622

CASE MANAGEMENT ORDER - 11

CASE NO. 2:23-cv-01495-JHC

Email: MertensS@michigan.gov

Counsel for Plaintiff State of Michigan

s/ Zach Biesanz

Zach Biesanz (admitted pro hac vice)

Senior Enforcement Counsel

Office of the Minnesota Attorney General

445 Minnesota Street, Suite 1400

Saint Paul, MN 55101

Telephone: (651) 757-1257

Email: zach.biesanz@ag.state.mn.us

Counsel for Plaintiff State of Minnesota

s/ Lucas J. Tucker

Lucas J. Tucker (admitted pro hac vice)

Senior Deputy Attorney General

Office of the Nevada Attorney General

100 N. Carson St.

Carson City, NV 89701

Telephone: (775) 684-1100

Email: LTucker@ag.nv.gov

Counsel for Plaintiff State of Nevada

s/ Ana Atta Alla

Ana Atta-Alla (admitted pro hac vice)

Deputy Attorney General

New Jersey Office of the Attorney General

124 Halsey Street, 5th Floor

Newark, NJ 07101

Telephone: (973) 648-3070

Email: Ana.Atta-Alla@law.njoag.gov

Counsel for Plaintiff State of New Jersey

s/ Jeffrey Herrera

Jeffrey Herrera (admitted pro hac vice)

Assistant Attorney General

New Mexico Office of the Attorney

General

408 Galisteo St.

Santa Fe, NM 87501

Telephone: (505) 490-4878

Email: jherrera@nmag.gov

Counsel for Plaintiff State of New Mexico

**FEDERAL TRADE COMMISSION**

600 Pennsylvania Avenue, NW

Washington, DC 20580

(202) 326-2222

1 s/ Timothy D. Smith

2 Timothy D. Smith, WSBA No. 44583

3 Senior Assistant Attorney General

4 Antitrust and False Claims Unit

5 Oregon Department of Justice

6 100 SW Market St

7 Portland, OR 97201

8 Telephone: (503) 934-4400

9 Email: [tim.smith@doj.state.or.us](mailto:tim.smith@doj.state.or.us)

10 Counsel for Plaintiff State of Oregon

11 -

12 s/ Stephen N. Provazza

13 Stephen N. Provazza (admitted *pro hac*

14 vice)

15 Special Assistant Attorney General

16 Chief, Consumer and Economic Justice

17 Unit

18 Department of the Attorney General

19 150 South Main Street

20 Providence, RI 02903

21 Telephone: (401) 274-4400

22 Email: [sprovazza@riag.ri.gov](mailto:sprovazza@riag.ri.gov)

23 Counsel for Plaintiff State of Rhode Island

24 -

1 s/ Gwendolyn J. Cooley  
2 Gwendolyn J. Cooley (admitted *pro hac*  
3 *vice*)  
4 Assistant Attorney General  
5 Wisconsin Department of Justice  
6 Post Office Box 7857  
7 Madison, WI 53707-7857  
8 Telephone: (608) 261-5810  
9 Email: [cooleygj@doj.state.wi.us](mailto:cooleygj@doj.state.wi.us)  
10 *Counsel for Plaintiff State of Wisconsin*  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24